

**APPROVED MINUTES  
YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
October 13, 2004

**MEMBERS**

Nicholas F. Barba  
John R. Davis  
Frederick W. Harvell  
Alexander T. Hamilton  
John W. Staton  
Alfred E. Ptasznik, Jr.  
Andrew A. Simasek

**CALL TO ORDER**

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

**REMARKS**

Chair Simasek remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

**ROLL CALL**

The roll was called and all members were present except Messrs. Harvell and Davis. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

**APPROVAL OF MINUTES**

**Mr. Ptasznik** moved adoption of the minutes of the regular meeting September 8, 2004. By roll call vote, they were adopted unanimously.

**PUBLIC HEARINGS**

**Application No. ZM-88-04, King's Creek Developers, LLC:** Request to amend the York County Zoning Map by reclassifying portions of two parcels located at 1681 Penniman Road (Route 641) and 112 Jones Drive (private road) from RR (Rural Residential) to EO (Economic Opportunity) subject to voluntarily proffered conditions; and

**Application No. UP-646-04, King's Creek Developers, LLC:** Request, contingent on the approval of Application No. ZM-88-04 above, for a Special Use Permit to authorize the construction of up to 400 timeshare units on approximately 25.1 acres located at 1681 Penniman Road (Route 641) and 112 Jones Drive (private road).

**Timothy Cross, AICP**, Principal Planner, referred to a letter dated October 11, 2004 in which the applicant's attorney, B. M. Millner, requested deferring indefinitely pending Application No. ZM-88-04 to allow time for the applicant to make modifications.

**Chair Simasek** asked if there is an alternative to tabling the application.

**Mr. James Barnett, County Attorney**, advised against denying the request inasmuch as the absence of the applicant or a representative could theoretically violate the concept of a public hearing. The application could be tabled for an indefinite period of time, he noted, as long as the public hearing is readvertised appropriately.

**Mr. Ptasznik** moved to table indefinitely the public hearing for Application Nos. ZM-88-04 and UP-646-04. The motion carried unanimously 5:0 (Davis and Harvell absent).

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**Application No. UP-649-04, Gary D. Staples:** Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize a 704-square foot accessory apartment on the second floor of a proposed detached garage on a 1.016-acre parcel located at 109 Link Road (Route 620) and further identified as Assessor's Parcel No. 30-1-7. The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

**Mr. Earl Anderson**, Planner, presented a summary of the staff report to the Commission dates September 30, 2004, in which the staff recommended approval. Subsequent to the preparation of the report, he received comments from Fire Chief Steve Kopzcynski, who expressed concerns about the lack of access for emergency vehicles at the subject location. Mr. Anderson noted there are many homes in the County with similar long, narrow, driveways. In those cases the Department of Fire and Life Safety contacts the property owners requesting action to help promote access by clearing limbs and expanding driveways.

**Mr. Ptasznik** inquired about the driveway encroaching on the setback for the driveway. Mr. Carter observed the Zoning Ordinance stipulates no setback for a residential driveway.

**Chair Simasek** opened the public hearing.

**Mr. Gary Staples**, 109 Link Road, was present to answer questions about his application.

**Mr. Barba** appreciated the applicant submitting the application before the fact, and added that he could support approval.

**Mr. Ptasznik** agreed.

**Mr. Simasek** requested more information about the inaccessibility the driveway allows for County emergency equipment.

**Mr. Anderson** pointed out that ideally, the Department of FLS would prefer to have vehicle access to the driveway itself. However, a fire hose could be connected to a hydrant and serve the property but that could delay getting to the fire.

**Mr. Ptasznik** moved the adoption of proposed Resolution PC04-28.

PC04-28

On motion of Mr. Ptasznik, which carried 5:0 (Messrs. Davis and Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT  
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 109 LINK  
ROAD

WHEREAS, Gary D. Staples has submitted Application No. UP-649-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of October, 2004, that Application No. UP-649-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on property located at 109 Link Road and identified as Assessor's Parcel No. 30-1-7, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of a proposed two-story detached garage on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7.
2. The apartment shall be contained within the existing structure located at the northwest corner of the subject property as indicated on the plat submitted by the applicant titled "Site Plan of Parcel 7, Subdivision of Property of Suzanne Y. Montague for Gary Staples and Glenda Staples," dated November 6, 2002, prepared by The Sirine Group, Ltd. and received by the Planning Division on September 1, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 1, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 704 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

## **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

There was no new business.

## **STAFF REPORTS**

Mr. Carter reported on recent actions by the Board of Supervisors. Mr. Simasek asked if any changes were made to the Planning Commission recommendations for Application No. UP-697-04, and Mr. Carter explained the Board had provided for the applicant, Holiday Chevrolet-Cadillac, Inc. to negotiate with the Virginia Department of Transportation to acquire a portion of the VDOT right-of-way in order to retain the existing non-complying sign.

## **COMMITTEE REPORTS**

Mr. Barba reported that the Comprehensive Plan 2025 neighborhood meetings are well underway, 11 of 15 having been held to date. The final meetings will take place over the next two weeks, he said. Turnout has been adequate and the citizens have commented on transportation, recreational opportunities, and other zoning issues. Mr. Barba recognized Messrs. Davis, Hamilton and Ptasznik for their participation.

## **COMMISSION REPORTS AND REQUESTS**

Mr. Ptasznik told the members he attended the 1st Annual VCPA Planning and Zoning Conference held in Roanoke, October 10-12, 2004. He said the conference made him aware that many localities are experiencing issues similar to York County's and he found it beneficial to share information.

Mr. Ptasznik reported that government funding cuts to colleges had impacted the Planning Commissioners' certification and graduate education programs previously offered by Virginia Tech. He said the programs are to continue under the umbrella of a newly formed non-profit organization, Virginia Citizens Planning Education Corporation, the Board of Directors to which he was elected. Mr. Ptasznik said York County has one of the best programs, Comprehensive Plans, and staffs in the state and the County is faring much better than many of localities that were represented at the conference.

**Mr. Staton** reported that he also had attended the VCPA Conference that was very informative regarding the planning process. In addition, Mr. Station said, he gained greater appreciation for the complex efforts and valuable contributions of the staff.

**Mr. Simasek** thanked both gentlemen for their time and congratulated Mr. Ptasznik.

## **CITIZEN COMMENTS**

**Mr. Daniel Jackson** of Springfield Road inquired about possible tax and rezoning impacts if the Kings Creek Plantation applications were approved. Mr. Simasek told him the applications were tabled and so his questions cannot be answered at this time, and all areas of the County are open to rezoning. He suggested that he speak with Mr. Barba if he is interested in participating in the process. Mr. Simasek told Mr. Jackson he would be notified when the applications are returned to the agenda, which he estimated would be in about three months, and encouraged him to attend the public hearing and express his concerns.

## **ADJOURN**

Adjournment was called at 7:30 p.m.

**SUBMITTED:** \_\_\_\_\_/s/\_\_\_\_\_  
Phyllis P. Liscum, Secretary

**APPROVED:** \_\_\_\_\_/s/\_\_\_\_\_  
Andrew A. Simasek, Chair

**DATE:** November 10, 2004